

ORIGINAL

WDF, Inc., Plaintiff

07 CV 04828 (WCC)

SEE CASE

V.
THE TRAVELERS COMPANIES, SETTLEMENT AGREEMENT
Defendant

SETTLEMENT AGREEMENT dated this 25th day of July 2008 among The Travelers Companies, WDF Inc, and Thomas D. Czik

It is hereby agreed that the action titled WDF, Inc. v THE Travelers Companies, Inc., 07 CV 04828 is settled as follows:

- 1- Travelers Companies shall provide WDF with the settlement documents that it wishes WDF to sign in connection with this settlement by Friday, August 8, 2008;
- 2- WDF will return properly executed settlement documents after receipt;
- 3- Fifteen days after receipt of the properly executed settlement documents, Travelers will pay the settlement amount of \$375,000 - payable to "Thomas D. Czik, As Attorney for WDF, Inc."
- 4- WDF agrees that it receives the settlement funds as Article 3A Trust Funds, as a Trustee for the fund, and to properly administer the funds, as trustee.
- 5- WDF agrees to indemnify and hold ^{Travelers from} harmless all costs and damages (including attorney fees) from any persons claiming to have not been paid by WDF for work performed and material and equipment furnished in connection with the SUNT purchase Project (Contract No. 29273).

6. WDF and Thomas Czik agree that Thomas Czik's fee in connection with this settlement shall be \$55,000. Accordingly, the net amount payable to WDF shall be \$320,000.

~~DATE~~ 7 Except for personal injury and property damage claims and warranty, maintenance, and guarantee obligations, WDF and Travelers release one another from any claims in connection with the SUNY Purchase Project (Contract No. 29273) and shall exchange related releases in connection with this settlement.

Dated: White Plains, NY
July 25, 2008

Tom Czik
Thomas D. Czik
(TC-3382)

WDF Inc.
By: [Signature]
BECKY CUNG (BT-5266)
GENERAL COUNSEL

Travelers Companies
[Signature]
Sally A. Stevens

WOLFF & SAMSON, R
Attorneys for Travelers
by [Signature]
DAVID E. WOLFF

SO ORDERED: Dated: White Plains, NY
July 25, 2008

(DW 8203)

William C. Conner
William C. Conner,
United States District Judge